

A
SERMON
Preach'd at the
ASSIZES
HELD AT

KINGSTON

Upon *THAMES*;

On *Thursday, March 20. 17th*_{12.}

By the HONOURABLE

Mr. Justice POWEL.

By **GEORGE SMALRIDGE, D. D.**
Dean of *Carlisle*, and Chaplain in Ordinary
to Her Majesty.

Publish'd at the Request of the Judge, High-
Sheriff, and Grand-Jury.

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T O
The Honourable Mr. Justice P O W E L.

The Worshipful JOHN MITCHEL Esq;

High-Sheriff of the County of Surrey.

The Gentlemen of the Grand-Jury of the
said County.

George Vernon
Thomas Lant
William Draper
Thomas Heath
George Arnold
John Lade
Henry Byne
Thomas Gratwick
William Genew
William Perkins
Urban Hall
Samuel Kentish
Joseph Wandell
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John Jackson
William Wicks
Thomas Seavens
Joseph Gibbons
Thomas Normandy
Robert Smith
Charles King
William Page
Richard Atkinson

> Gentlemen.

The Hon^{ble} Heneage Finch Esq; } Knights of
Sir Francis Vincent Bar. } the Shire.

And to the rest of the Gentlemen of Surrey,
who appear'd at the Assizes at Kingston.



HERE are as many Examples of the
principal Doctrine advanc'd in the
following Discourse, as there are Per-
sons, to whom it is Inscrib'd. Your So-
lemn Attendance on the Publick Worship of GOD
in

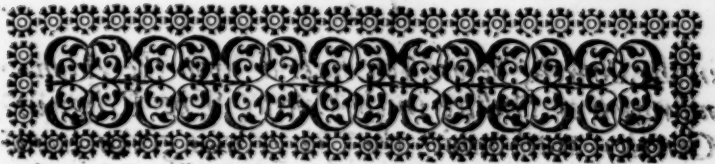
in the Church, before You enter'd upon the Administration of Justice in the Court; The Religious Gravity, with which the Charge was given from the Bench, and the Conscientious Faithfulness, with which it was executed by the Jury; The Mutual Offices of Courtesy, Friendship, Affection, and Esteem, which passed between the Sheriff, and the Gentlemen who appear'd at the Assizes in great Numbers, to do Him Honour, and their Country Service; The Candour with which this Sermon was heard, and the Civilities which were paid to the Preacher of it, not out of any Personal Regards to One, who was in great Measure a Stranger, but in Honour of his Sacred Function; are so many Proofs of the Influences of Religion, and of Your acknowledging Yourself to be under higher Obligations, than the Laws of the Land.

It was a great Recommendation of this Sermon to the Gentlemen of Surrey, that it was preach'd at the Desire of their Sheriff; and it may hope for the more favourable Reception from the World, that it is publish'd at the Unanimous Request of so many Honourable Persons. I am

Your most Humble, and

Most Obedient Servant,

George Smalridge.



I TIM. i. 9.

-----The Law is not made for a Righteous Man,
but for the Lawless and Disobedient, for Un-
godly and for Sinners, for Unholy and Pro-
fane-----



HE Design of St. Paul in this Place, is to remove those False Notions which some had entertain'd of the Law, and in their room to establish the Right. For it seems, that Some affected to be Teachers of the Law, who were perfect Strangers to it, understanding neither what they said, nor Ver. 7. whereof they affirm'd. And, as those generally are the Warmest Assertors of a Cause, who are least acquainted with the Merits of it, so these Bigots for the Law made out in Zeal, what they wanted in Knowledge: They talk'd much, and disputed eagerly for the Honour of the Law, but knew nothing all the while of the Nature and Design of it. To stop the Mouths of such Ignorant Gain-sayers, and to silence their vain Jangling, our Apostle vouchsafes to instruct anew these pretended Teachers: He points out to them their fundamental Mistake, and gives them a true State of the Nature and Intent of the Law: He grants, that the Law had its due Use; but complains, that they much Abused it; We

Ver. 8. *know the Law is good, if a Man use it lawfully.* He acknowledges it was very proper for the Ends for which it was at first Instituted, but shews, that they applied it to Ends for which it was never designed, and which therefore could never be attained by it. They took the Law for an Adequate Rule of Action, which, if they observ'd, they hop'd to be adjudg'd Righteous; whereas it was Only intended as a Guard against Exorbitant Crimes, and arm'd with Penalties to be inflicted upon Notorious Transgressors.

It is true, that Righteousness, in the very Notion of it, includes relation to a Law, as consisting in a strict observance of it; so that where there is no Law, there can no more be Righteousness, than there can be Transgression. The Law, therefore, in the Text, must be taken in a restrain'd Sense, and not interpreted of that Law of God which is given to Mankind as a Perpetual and Inviolable Rule of Action, which we Usually call the Moral Law, but of that Peculiar Scheme of Laws, which was directed by Moses to the Jews, and which exacted some Special Duties, and prohibited some Particular Crimes, by the Sanction of Temporal Rewards and Punishments. The Moral Law was made for the Righteous, and was the Rule and Measure of Righteousness; but this National Law was made not so much to direct Good Men in their Duty, as to punish the Wicked for their Transgressions. The Righteous had a Law written in their Hearts, and by this Law they Willingly, and without Constraint, order'd all their Actions; so that there was no need of any Other Law to bind them: But All Men were not of
so

so Ingenuous and Governable a Temper, as to hearken to the Inward and Gentle Dictates of right Reason ; Some were of a Servile and Base Spirit, not to be kept in due Bounds without a more strict Hand and severe Discipline ; and therefore, there was need of Coercive Laws to restrain the Licentiousness of such as these. In this Sense, I think, *St. Paul* is to be understood, when he saith, That

The Law is not made for a Righteous Man, but for the Lawless and Disobedient, for Ungodly and for Sinners, for Unholy and Profane.

WHAT is here said of the Law of *Moses*, the National Law of the *Jews* (against whose Prejudices *St. Paul* was in this Place concern'd to argue) I shall beg Leave to apply to National Laws in General ; since what is asserted of the Mosaic Body of Laws, which had God Himself for their Author, is not only Equally, but much More true of all Humane Laws. I shall therefore take the Occasion, which seems fairly given me from the Words of the Text, to shew,

First, That Humane Laws are not made for the Righteous.

Secondly, That they are made for the Lawless and Disobedient.

WHEN I affirm, that Humane Laws are not made for the Righteous, I would not be thought to mean, that the Righteous or Godly are exempted from the Obedience due to Humane Laws, or that Humane Laws, when made by Good Authority, and no ways repugnant to the Laws of God, are not a Rule to which the Righteous Ought to conform their Actions.

They are so far from being loose from these Ties, that None are more strongly bound, than They, as being taught to obey, *not Only for Wrath, but also for Conscience-sake*. The Righteous then, as well as Wicked, are within the direction of Humane Laws; they would not be Righteous, Unless they obey'd them; but they are not therefore Righteous, Because they obey them. The Laws of Men make up Part of that Rule, the observance of which is necessary to denominate Men Righteous; but they are not the Adequate Rule and Intire Measure of Righteousness. Humane Laws may serve to direct good Men in Some Branches of their Duty; but Men would be wanting in the Main Parts of their Duty, unless govern'd by an higher Principle, than Humane Laws. My Design, therefore, is not to prove any Incapacity in Humane Laws to oblige the Righteous, upon supposal of a Superior Law, but to shew the Insufficiency of Humane Laws to make Men Righteous, when consider'd in themselves, and without regard to an Higher Law.

RIGHTEOUSNESS consists in a strict observance of All those Duties, to which We are in Any respects oblig'd; in doing All those things which We can by any means discover ourselves bound to do; and in abstaining from All those Actions, which We can any way learn to be disagreeable to Beings endu'd with those Faculties, which We find in ourselves, and consider'd in those Circumstances and Relations, in which We are plac'd. That Our Actions, therefore, may be in Every regard such, as they Ought to be, the Rule by which they are Order'd, must be Intire

ture and Perfect; and Sufficient Motives must be offer'd, why We should steadily comply with that Rule: The Laws, by which We are directed, must take in the whole Compass of Our Duty, and they must also have Authority sufficient to oblige Us to the Performance of it. For if the Rule be Imperfect, Our Duty, which rises no higher, will be Defective too; and be the Rule in itself never so Exact, it can have no Influence on Our Actions, till We are convinc'd, that We are bound to govern ourselves by it.

Now Humane Laws are Insufficient to make Men Righteous, upon both these Accounts.

First, Because they do not point out All those Actions, which We must perform, if We would be esteem'd Righteous.

Secondly, Because, tho' they did direct Us in our Whole Duty, they would not have Authority sufficient to Oblige Us to the performance of it.

First, Humane Laws do not point out All those Actions, which We must perform, if We would be esteem'd Righteous.

RIGHTEOUSNESS, as hath been said, takes in the Whole Extent of our Duty, arising from any Relations We stand in to GOD, to Ourselves, or to Our Neighbours. Our Duty to GOD, which is the Foundation of the rest, We are not to learn from Humane Laws (which would prove very Ill Guides to Us in this Matter) but from His Own Will, as discoverable by the right Use of our Reason, or Manifested to Us by Express Revelation. What Service of Ours will be acceptable to GOD, what He will be pleas'd to reward, We can know only from
GOD

GOD Himself, or from those, to whom GOD
 hath made known His good Pleasure; which
 Communication We have no Reason to think
 the Singular Prerogative of those, who amongst
 Men have the Sovereign Power of making Laws.
 Humane Laws may Enforce those Duties which
 Natural or Reveal'd Religion teaches, but are no
 farther fitted to direct Us in Knowing them,
 than as they are themselves directed by a better
 Rule: They may pretend to Declare and to In-
 terpret the Law of GOD, but by such Declara-
 tions, We learn only what the Makers of these
 Laws Think to be GOD's Will; or, perhaps,
 barely, what they would have Us think, not
 what We Ought to think, and what the Will of
 GOD undoubtedly Is: For after such Interpre-
 tations, there is still room for a reasonable Man
 to suspend his Opinion, and to enquire farther;
 and, according to the Issue of his Enquiry, to
 Judge and Determine. Now, a Rule that wants
 thus to be tried, cannot itself be a Standard:
 When it hath been examin'd by that which is
 own'd for such, it may serve for Use; but then,
 what is Measur'd by it is Exact, not because fit-
 ted to that Rule, but because it will bear an
 higher Test. The Laws of Men May be, and
 in many Cases Are, as different, as their Lan-
 guages; so that were We to learn Our Obliga-
 tions to GOD from them, Mens Duties would
 change with the Climate, and the Measures of
 Religious and Moral Actions would be as Varia-
 ble as those, which in different Countries serve
 for Civil Uses. In short, it is in Vain to expect
 from Humane Laws, a faithful Direction in the
 Duties

Duties of Religion, whilst Men are Fallible, and God is Unchangeable.

NOR must We hope for better Help from them, in discerning what We Ow to Ourselves : To know this, 'tis absolutely necessary that We first Know Ourselves aright ; That We take a View of the Excellencies and Defects of our Nature, as also of our Own Personal Abilities or Infirmities ; That We consider in what Rank We stand to Beings Above or Below Us ; and what that Station is, which We are to Maintain and Adorn : That We be thoroughly acquainted with Our Tempers and Inclinations, and that We know the Strength and Bent of our Passions. Now such Knowledge as this, however necessary for the right Government of ourselves, is not to be had from our Books of Law. We are not taught there, what We Ow to Ourselves, but to the Public : Laws may provide against doing Injury to Others ; but a Man may be as mischievous to Himself as he pleases, without any Breach of the Law.

It becomes the Wisdom of Humane Laws, to take due Care, that Our Unruly Passions of Anger, Envy, and Malice, do not break out to the Prejudice of our Neighbour ; but these Laws make no Provision against the Tumult rais'd in our Own Breasts ; the Ferment Within is not allay'd by any Restraint from Without, but proves rather the more Violent for want of Vent. Some of the Grosser Acts of Uncleanneſs, and Excesses of Intemperance, may fall within the Reach of Humane Laws, because they tend to Confusion and Disorder, to Invasion of establish'd Rights, Breach of Public Peace, and the Ruine

Ruine of Society : But a polluted Imagination hath still its free Scope ; and He who is quiet and peaceable in his Intemperance, may sin on with Impunity.

So again, Sumptuary Laws are with good Effect made against Excess in Apparel ; but never any of these extended so far, as to correct the Pride of the Heart, or to punish it, though express'd by the Overt-Acts of an haughty Countenance, a scornful Gesture, and an arrogant Tongue. Nay, the Laws are so far from tending to subdue Pride, that unless guarded against, they are apt in Some Distances to Promote it ; for should All Persons put as great a Value upon themselves as the Laws do, they might be led to *think of themselves more highly, than they Ought to think*. It is necessary to the Preservation of Order, and for Maintaining the Reverence due to Authority, that those, who are in a more Eminent Degree invested with it, should be distinguish'd from Others by Titles of Honour, Splendor of Habit, Solemnity of Attendance, and Other Usual Ceremonies of Pomp and Grandeur. But should Magistrates, who for Weighty and Important Reasons are honour'd with these Peculiar Privileges, take Occasion from hence to form in their Minds extravagant Notions of their Own Real Worth and Excellency ; should they, instead of making use of these Prudential Establishments for the Ease and Benefit of Mankind, be prompted to Despise and Look down upon Others, as Creatures of a Lower Rank, and much beneath their Level and Regard, they would exceed the due Bounds of Humility ; and would justly merit that Scorn,
with

with which God in Justice, and Men in Revenge, never fail to punish the Proud.

AND as Humane Laws, where there is want of Caution, may minister to Pride, so may they also occasionally contribute to an Immoderate Desire of Riches : For since Mens Appetite after these always bears Proportion to the Opinion they have of their Value, He that measures their Worth by the Esteem they are in in the Eye of the Law, may be apt to rate them somewhat higher than a Wise or Good Man ought. Nor will the Pleasures of this World lose any Thing in Our Esteem, if We take Our Measures of them from Humane Laws ; for Laws establish'd upon Temporal Rewards and Punishments, are apt to create in Us an undue Esteem for those Good things of this World, which would not be propos'd as proper Encouragements of our Obedience, unless look'd upon as highly Valuable ; and an Immoderate Opinion of those Evils, which would not be threatn'd against the Disobedient, unless look'd upon as Grievous and Intolerable. So far therefore are Humane Laws from directing Us in all the Duties We ow to Ourselves, that unless we are under the Conduct of a Better Principle, We are in no small Danger of being frequently misguided by them.

BUT, although they are not so well adapted to inform Us in our Duty to God, and to our Own Souls, yet We may expect at least a full Direction from them in what We Ow to our Neighbours ; for it being the principal Intent of these Laws, to secure to every One his Right, it may reasonably be presumed, that all Social

Duties are by them sufficiently provided for. And yet, upon a short and transient View, it will appear, that they are very defective even in This: For although the Good of Society be as much concern'd in Mens contributing jointly to the Happiness of each Other, as in their abstaining from mutual Wrong, yet Humane Laws seem to be rather contriv'd for repressing Injuries, than for promoting Good Offices. The Law takes care, that I should not deprive another of what is His, but it doth not therefore Oblige Me to Impart to Him, what is my Own: I shall be punish'd if I Unjustly Oppress my Brother; but I am not therefore bound Charitably to Relieve Him. It is true indeed, that even this Relief is in some Cases, by the Piety of our Municipal Laws, provided for: But a Legal Charity is, God knows, very Narrow, takes in but few Objects, expresses itself only One Way; and loses all Pretence to Merit, when, being exacted from Us, it is no longer Charity, but a Tax. Slander and Detraction, False-Witness and Defamation, are prohibited by the Law of the Land: But this lays no Obligation on Me to support the Injur'd Credit of my Neighbour, to defend his Reputation against prevailing Prejudices, and the Clamours of a Party; and to Venture my Own good Name, by stepping into the Succour of His. There is no greater Pest to Society than Ingratitude; this hinders the free Intercourse of Good Offices, and is as fatal to the Body Politic, as stopping the Circulation of the Blood would be to the Body Natural; and yet Humane Laws do not pretend to enforce upon Us an Equal Return
for.

for Benefits receiv'd ; nor does there lie in our Courts of Justice, or even of Equity, an Action of Ingratitude. To support the Oppress'd, to instruct the Ignorant, to reverence Good Men, and reform the Bad ; to be bountiful to Some, and courteous to All ; to be serviceable to the Age We live in, and to consult the Good of Posterity, are Duties on which the Welfare of Society doth Absolutely depend ; and yet a Man may be wanting in Any, or All of these, without fearing any Censure from the Laws of Men.

It would be very easy to draw up a much larger Catalogue of Duties, which a Reasonable Man cannot but Own himself strictly bound to, which yet neither the Common nor Statute-Law exact from Him. Some Actions fall not within the Notice and Cognizance of Men, and therefore it would be in Vain for Men to give Rules about them. Some belong to an Higher Court, and are not within the Verge of Humane Authority. Some are to be left Free, because they would cease to be laudable, if done upon Compulsion. Some Duties are Antecedent to Humane Laws, and some Repugnant to them. Some We should be oblig'd to, were there No such Thing as Government ; and some We may be bound to in Opposition to Humane Establishments. Some, as to the Substance and Matter of them, are enjoin'd by the Law, but then the Circumstances and Manner of Performance, on which their Value chiefly depends, is left Free and Unrestrain'd. Upon which, and many Other Accounts, it sufficiently appears, that Humane Laws are a very Imperfect and Defective Rule of Humane Actions.

BUT were Humane Laws admitted to be a Full and Adequate Rule of Action; did they take in all the Instances and all the Degrees of Duty, so that We might rely upon them as a Safe and Infallible Guide; yet they would be insufficient to make Men Righteous, because of Themselves they would not have Authority enough to Oblige Men to the Performance of those Actions, which they might prescribe.

ALL Authority is founded either in the Right which those who command have to Require Our Obedience, or the Power which they have to Extort it. For those, who pretend to put a Restraint upon Our Liberty, must either alledge good Reasons, why We Ought to act as they direct; or must work upon Our Fears, by shewing the Mischief which will attend Our Non-compliance. Sense of Duty may prevail upon an Ingenuous Spirit to Obey those, who have a fair Title to command, tho' they might be disobey'd with Impunity; and fear of Punishment will work upon the Weak, to pay that Deference to the Stronger in point of Prudence, which they might refuse to pay with Innocence. Now if Humane Laws challenge Our Obedience upon the former Claim, as being made by those, who have a Right to give Rules to Us, this Right must be made out by some Laws Antecedent to them; for the bare Challenge of a Right, without any other Evidence of its being due, will never be admitted for a good Proof of it.

If it be told me, that Protection and Obedience are reciprocal Duties, that since I receive the Benefits of Government, it is reasonable I should conform myself to the Rules of it, this Way of
arguing

arguing supposes me convinc'd before-hand, that to act thus Gratefully is highly agreeable to the Reason of Mankind; that to do Otherwise is repugnant to Reason; that is, in other Words, that to do One is Morally Good, and to do the Other is Morally Evil; which would not be, unless there was Some Rule or Law, which thus distinguish'd 'em.

IF it should be urg'd, that I have Virtually or Expressly given my consent to be govern'd by such and such Laws; that my Ancestors acting for Me have precluded me from my natural Liberty, or that I have Voluntarily resign'd it by my Own free Act and Deed; not to dispute at present the Authority of such Proxy, 'tis plain, that the whole Stress of this Claim is built upon a false Foundation, unless it can be made out, that what we Promise that we Ought to Perform; which is a Maxim, not to be first learnt from Humane Laws, but from Morality, or Revelation.

THE Ill Consequences of Disobedience, and the Mischiefs which would arise from Confusion and Anarchy, may be display'd at large, and set forth in their proper Colours, to engage the Subject to a quiet and submissive Conduct: But if He hath not before learnt to distinguish between Good and Evil, then Order or Disorder, Peace or War, the Publick Good or the Publick Ruine, are only different Sounds; and there is no Reason in the Nature of Things, why any Man should prefer One to the Other, or promote One rather than the Other.

A PERSUASION that those, who govern Us, have a tender Regard to Our Interests, and will
better

better promote them, than We could do Ourselves, is a very good Reason, why We should quietly follow Their Direction: But unless those, who are above the Restraint of Humane Laws, are Influenced by some Higher Principles, We have no sufficient Grounds to Suppose the Magistrate at all concern'd to consult or promote the Good of any One but Himself, or to propose to Himself any End, but his Own Pleasure. Whatever Other Reasons may be offer'd why We Ought, as of Right, to Obey Humane Laws, will be found to presuppose Us under some Obligations to a superior Law: And, upon a thorough Enquiry, We shall be fully convinc'd, that the Higher Powers have not only no Better, but no Other Plea to Our Obedience, as a Debt We cannot in Justice deny them, but only this One (which is a very Good One) that they are Ordain'd of God.

BUT whether Humane Laws have of Themselves a Right to Require our Obedience or not, yet if the Sanctions annex'd to them are sufficient to Enforce our Compliance, their Authority will, it is confessed, stand Firm and Unshaken. For although Nice Men may distinguish betwixt a Right to Require Obedience, and Power to Enforce it; although We may be taught in the Schools to make a Difference betwixt the Law and the Penalty, so as to acknowledge an Obligation to keep the Law, though there were no Danger of incurring any Punishment upon Non-Observance, yet, perhaps, in Practice, the Only Reason, why We keep any Law, is the Apprehension of Some Evil, which would attend Our Disobedience. We are taught indeed by
St. Paul,

St. Paul, to be subject not only for Wrath, but also for Conscience-sake : But He, who obeys out of Conscience, is as much influenc'd by Fear of Punishment, as He who is subject for Wrath : The only Difference is, that the One fears the Punishments threatned by Men, the Other is afraid of the Damnation denounc'd by God. If therefore the Punishments threatned by Men to the Transgressors of their Laws, are sufficient to engage our Fears, whether of Right they Ought or not, it is certain, that in Fact they Will be Obey'd.

Now, that the Penalties, which are annex'd to the Breach of Humane Laws, are too weak a Restraint to hinder Men from transgressing them, will appear from this Consideration, That where a strong Appetite of Pleasure, or Prospect of Gain, invites Us to any Action, the Evils, which are threatned on the Other Side to deter Us from it, cannot be of Weight Enough to determine Our Choice to the Forbearance, unless represented both as Unavoidable, so that there is no Escape from them ; and also as Intolerable, so that the Pleasures propos'd cannot counter-balance them. For, be the Evils denounc'd never so grievous, yet, if they may be Averted, We shall Venture on the forbidden Action, in hopes of Impunity ; or if they be never so Certain, yet if they can be tolerably well Endur'd, the Pleasure which We aim at may be thought worth the Purchase, though bought with some Pain. Whence it comes to pass, that the Penalties threatned by Humane Laws cannot be always Effectual to restrain Men from the Violation of them, because they are such as Many may

may hope to Escape, and such as Some may be willing to Bear.

GUILT and Punishment, how necessary soever a Connexion they may have in the Reason of Things, do not always go close together : One follows the Other, but sometimes so Lamely, that the Sinner may have got into the Other World, before Vengeance Overtakes Him. For the Laws, tho' they are severe in their Threats, yet are frequently harmless enough in the Execution. They cannot execute themselves ; and unless those who are Entrusted in the Administration espouse their Quarrel, they may be trampled on without avenging themselves upon the Aggressor. The Sword of Justice is sometimes permitted to rest in quiet ; and when it is drawn and brandish'd in the Face of a Sinner, yet still Force may ward off the Blow, or Slight may decline it. The Methods of Evasion are well Studied, and much Practis'd : And it is said to be no Inconsiderable Part of the Knowledge of the Law, to know how far it may be broken, without Hazard to the Offender. Secrecy in Sinning, where the Sinner can be content to sin Alone, is a secure Provision against any Danger from Humane Laws : And if some have been prevail'd with to bear Evidence to their Own Guilt, this has been Owing not to any Perfection in Humane Laws, but to the Fear of a Judgment to come, and the Over-ruling Terrors of a Wounded Conscience. But even those Crimes, that do not escape all Discovery, may yet go Unpunish'd for Want of Sufficient Evidence : Sufficient not only to satisfy an Unprejudic'd Man, but to silence all Cavils ; for a Full and Satisf-

Satisfactory Proof doth not always amount to a Legal Conviction.

THERE are few Causes so Desperate, as not to be able to purchase an Advocate ; few of so ill a Complexion, but by Colours handsomly laid on, their Deformity may in a good Measure be disguis'd. Where a flat Denial can take no Place, there may be room left for a well-contriv'd Apology: Faults that cannot be clearly Wiped off, may be much Extenuated ; where the Fact is Own'd, the Quality of it may still admit of a Debate: Inadvertency, Ignorance of the Law, Honesty of Intention, may be pleaded in Bar of too rigid a Sentence ; a Witness that bears too hard upon a Criminal, who can neither be frighted into Silence, nor hir'd to downright Perjury, may yet be prevail'd on to Palliate or Dissemble the Truth ; or if His Honesty be too stanch for this, yet still He is capable of being Managed: A dextrous Enquiry may fetch out Such an Answer, as better serves the Examiner's Purpose, than a true One would do ; And the same Plainness and Simplicity of Manners, which places a well-meaning Man above Corruption, may lay Him the more open to have His Testimony thus practis'd upon. If none of these Artifices can screen the Criminal from Justice, yet Partiality and Favour, or a mistaken Notion of Compassion may acquit Him : Or if He be a Sinner of Quality and Interest, though the Crimes of Such an One are of the Worst Consequence, because of the Scandal of the Example ; yet Licence to Offend, with Exemption from Punishment, is a Privilege not rashly to be invaded.

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Now,

Now, had We no other Argument of the Weakness of Humane Laws, this One Consideration would enough prove their Insufficiency, that Those, whose Temptations to Offend are Greatest, and whose Vices spread Farthest, are under the least Restraint and Awe from the Laws of Men. For Punishments amongst Men are generally applied rather to Persons, than Things; and that the Lowest Sort of Men are most often Sufferers, is not perhaps more owing to the exceeding Greatness of their Villanies, than to the Meanness of the Villains.

ALL these, and many more Subterfuges (more than it is fit honest Men should be acquainted with) have crafty Sinners to escape the Rigour of the Law: And, although these should be thought Wild and Imaginary Suppositions of Things that never yet happen'd; though We were taught by constant Experience, that our Courts of Judicature were perfect Strangers to all Artifice in Pleadings, Falshood in Testimonies, Partiality in Verdicts, Iniquity in Sentences; yet this would only shew what a powerful Influence Religion had, not what Security We might expect from Our Laws, if the Fear of God were quite extinguish'd in the Hearts of Men. The Principles of Religion are pre-suppos'd in the Processes of Our Courts; and to the Influence of these We must ascribe the Regular Administration of Justice, where-ever it is found: The Fears of another World, and the Reverence paid to Oaths, which is built upon those Fears, are the Only Things that can insure to Us Veracity in Witnesses, Impartiality in Jurors, Integrity in Judges. If these Fears were
once

once remov'd, the Punishments of this World, though they could not possibly be escap'd, yet would lose much of their Terror: Death itself, which is the Utmost that Men can inflict, would be less dreadful than it is, and often would be fled to as a Refuge, if there were no lurking Suspensions of a Judgment to follow: Sense of Guilt, and Remorse of Conscience, are the most bitter Ingredients of all Punishments: *The Sting of Death is Sin*; where there is no Consciousness of This, the Innocent Person meets Death with Chearfulness; and where the Sense of this is worn out by an habitual Course of Sinning, the Obstinate Malefactor goes off the Stage with an unconcern'd Stupidity. Now if the Terrors of Another World are necessary to embitter the Punishments of This; if the Penalties of Humane Laws are not so Grievous, but that Men will Venture upon them, though Certain to suffer; or if there be probable Hopes of Escaping the Punishment, when they do Offend; if the Sanctions annex'd to them will not enforce their Observance, and they have no Other Authority in themselves whereby to Oblige; if not only their Authority be Precarious, but their Direction Imperfect; if they do not extend to All Duties, nor reach to All Men, nothing needs to be added farther, to shew their Insufficiency to make Men Righteous.

BUT although they are not sufficient to This Purpose, yet they are highly Expedient to Another; although they cannot of Themselves make Men perfectly Righteous, yet, in Subordination to an Higher Law, they are of great Use to re-

strain Men from being profligately Wicked; though they are not made for the Righteous as an Adequate Rule of Action, yet as a Curb and Check upon Sin,

They are made for the Lawless and Disobedient, for Ungodly and for Sinners, for Unholy and Profane.

HAD the Laws of GOD their due Influence over the Minds of Men; were they heartily Believ'd, and sincerely Practis'd, there would be Little or No Occasion for the Laws of Men: But since there are *Lawless and Disobedient*, who refuse to be govern'd by the Divine Laws, *Ungodly and Profane*, who peremptorily reject their Authority, it is convenient there should be some Curb to restrain the Licentiousness of These.

THE Evils of Another World, how great soever in themselves, yet because plac'd at a Distance, make not always the same lively Impressions on the Hearts of Men, as lesser Punishments brought nearer Home: In order therefore to deter Men from Vice, it is of Use, that those who do not look far enough to be affected with Dangers that are more Remote, should have their Fears wrought upon by such Penalties, as being at Hand act more strongly, than do greater Torments in Reversion. Some are so far sunk in Sensuality, that they can form to themselves no Notions of any Good or Evil, but what affects their Senses: They never look Backwards or Forwards, so as to feel any Remorse for what is Past, or to foresee any Ill Consequences that are to Come. St. Paul describes these Men, as having their *Understandings dark-*
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ned, being alienated from the Life of God, thro' the Ignorance that is in them, because of the Hardness of their Hearts ; Who being past feeling, give themselves over unto Lasciviousness, working all Uncleanneſs with Greedineſs. All Addreſſes made to the Reason of ſuch Men will be in Vain, becauſe their *Underſtandings are darkned* : All Diſcourſe to them upon the Principles of Religion, will be Foreign and Inſignificant, becauſe they are *Alienated from the Life of God* : All Attempts on their Affections will fail, becauſe their *Hearts being hardened*, are incapable of any Impreſſions : Nor will any Appeals to their Conſciences be heard, becauſe they are *paſt feeling*. The only Way which is left to come at the Souls of ſuch Men, is by a Strong Application to their Senſes ; theſe are ſtill Awake and Vigorous, and upon theſe, by wholeſome Punishments, We may ſtill hope to make ſome good Impreſſion.

THOSE, who pretend that the Diſtinctions of Virtue and Vice are Arbitrary, and founded not in the Nature of the Thing, but in the Opinions of Men, are yet Agreed, that the Differences betwixt Pleaſure and Pain are not Imaginary, but Real : If Honelt and Diſhoneſt are only Different Sounds, yet they will eaſily allow, that Corporal Eaſe, and Corporal Punishment, are Different Things : They Ought therefore to be convinc'd by their Own Principles ; to learn the Difference of Right and Wrong, Duty and Sin, from the different Effects which they produce ; And ſince they are not able to diſtinguiſh Virtue and Vice by their ſeveral Roots, which lie too deep for them to look into, they ſhould be taught to diſtinguiſh them by the Fruits they bear, the
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Bodily Pleasure or Pain which Humane Laws annex to them; by the feeling of which, they may literally have their *Very Senses exercis'd to discern both Good and Evil*. The Psalmist hath Intimated to Us, that it is possible for Men to be
 Pl. xxxii. *as the Horse and the Mule, which have no Un-*
 10. *derstanding*; and He hath directed Us to an Expedient how Even these may be manag'd: *Their Mouth must be held in with Bit and Bridle*; they must be under the Restraint of severe Laws, *lest they come Near unto Thee to assault Thee*.

It is well for Those, who deny the Existence of a God, and the Immortality of their Own Souls, that they are not quite so despicable Creatures in the Judgment of Other Men, as they are in their Own; for if Others had the same degrading Notions of them, as they have of Themselves, I can see no reason why a mischievous Atheist, who disturbs the Peace, and disquiets the Lives, and thirsts after the Blood of Men, should find better Quarter than any Other Beasts of Prey: If the Reverence paid to Our Common Humanity secures such an One from Private Vengeance; so that tho' *His Hand be against every Man, every Man's Hand is not lifted up against Him*: Yet certainly it concerns Magistrates, who are *the Ministers of God, Avengers to execute Wrath upon Evil-doers, not to bear the Sword in Vain*.

MEN of these loose Principles, are apt to plead much for the Sufficiency of Humane Laws: They think Good and Evil, Right and Wrong, well enough distinguish'd by these, without any Recourse to a Superior Law-giver: The Terrors
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of Another World may be of Use, they tell Us, to fright the Credulous and Superstitious, but Wise and Knowing Men, Such as they are, want not to be kept in Awe, by the Proposal of any Foreign Dangers : It is reasonable, therefore, that an Experiment of this pretended Perfection of Humane Laws be first made upon Atheists themselves ; that those who acknowledge no Other Laws, should feel the utmost Weight of These ; that We may be able to judge of their Force and Influence, by the good Effects they have on the Lives and Practices of such Men. A Steady and Impartial Execution of Good and Wholsome Laws, is the best and most convincing Answer to those Objections, which Profane and Ungodly Men, with great Confidence, and little Reason, pretend to raise against the Administrations of Providence : *Because Sentence against an Evil Work is not executed speedily, therefore the Heart of the Sons of Men is fully set in them to do Evil.* Eccl. viii. 11. Now this is a very perverse Abuse of the Mercies of GOD, and worthiness of Atheists, to make that Indulgence, which is design'd to reclaim them, and which would have this Effect upon Ingenuous Minds, an Argument for their Obstinate Impenitence : There can be no greater Instance of Disingenuity and Folly, than thus to *despise the Riches of Divine Goodness, and Forbearance, and Long-suffering, not considering that the Goodness of GOD should lead them to Repentance.* But This, which is the Worst Argument in the World for going on to do Evil, becomes No Argument at all, when, by the Vigilance of Magistrates, *Sentence is executed speedily against Every Evil Work ;*

Work; when Punishment followeth closely upon Sin, and its Wages are Immediately paid, as soon as the Work is done.

Eccl. ix.
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IT is a common Objection against the World's being govern'd by a Wise and Just Ruler, That *No Man knoweth either Love or Hatred, by all that is before them*; that all Things come alike to all, there is One Event to the Righteous, and to the Wicked; to the Clean, and to the Unclean; to him that Sacrificeth, and to him that Sacrificeth not; that as is the Good, so is the Sinner; and He that sweareth, as He that feareth an Oath. Now, though many Solid and Satisfactory Answers may be given to this Objection, yet the best Reply that can be made to those who start it, is That which good Magistrates do give, by so dispensing Rewards and Punishments, as that *all Things may Not come alike to all*, but that the Clean may be distinguish'd from the Unclean; the Religious from the Irreligious, the Good from the Sinner; the Perjur'd Person from him that regardeth an Oath; and so Every One may know *Love and Hatred*, even by what is before them; what, according to the Merits or Demerits of their Actions, Each Man sees and feels.

NOR can Atheistical Persons have any just Pretensions to Favour, any Pleas to Immunity from the Rigour of the Law: For, whatever Others may pretend for their Non-compliance with the Commands of Men, because repugnant to some Other Principles, of which they are fully persuaded; yet certainly an Atheist hath no Tenderness of Conscience, on which He can found a Claim to the Benefit of Toleration. How Narrow soever We make the Bounds of Civil Power, tho' We

We confine it wholly to the Care of our Worldly Interests, and exclude the Magistrate from any Concernment for the Honour of God, and the Salvation of Mens Souls; yet still the Suppressing of Irreligious Principles will fall within his Province, because they slacken the Bonds of Government, undermine the Foundations of Society, and are destructive, not only of Mens Salvation, but also of their Civil Interests.

BUT were there no Prospect of any Good to be wrought on Wicked and Ungodly Men Themselves by the Discipline of Laws, yet Punishment is not Useless, if it serves to keep Others within the Lines of Duty; where a tainted Member is incurable, Excision may be necessary to prevent the Infection from spreading farther; for those Mercies are cruel which spare the Guilty, till none be left Innocent. Several Criminals have made Amends for the Scandal of their Lives, by the Useful Example of their Infamous Deaths; a Suffering Malefactor wants no Use of Words to Inform the Understanding, or to move the Passions of the most unthinking Spectator.

AND as Humane Laws are of this excellent Use to prevent the Spreading of Vice, where there are no Hopes of a Cure; so in Cases less desperate, they may prove proper Remedies to correct its Poison, and abate its Malignity. Temporal Punishments are a sensible Argument of the Evil of Sin; and though no One shall reap the Rewards of Piety, who abstains from Sin purely for fear of These; yet they often give the first Occasion to consider the Nature and Danger of it, and so lead the Way to Reformation upon

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Better Principles. He who observes, that the Customs and Laws of Men agree to crown Some Actions with Honour and Rewards, and to annex to Others Shame and Punishment, may be inclin'd to pursue this Thought farther, and to enquire, whether there be any Ground in the Nature of Things for such Discrimination; whether these are only Arbitrary Distinctions, or Necessary Deductions from allow'd Principles; whether the Actions thus Rewarded and Punished are Good and Evil, because Commanded or Forbidden by Men; or whether they are not Enjoin'd and Prohibited by Humane Laws, because presuppos'd Good and Evil. Whether, if the Scene was chang'd, and those Actions made Penal, which are now Rewarded; and on the Other Side, those which are now Punish'd made Rewardable, this would not be to cross upon the Nature of Things, and to introduce Disorder and Confusion. He who hath Occasion given Him by the Punishments allotted to Crimes by Humane Laws, thus deliberately to examine the Original of Good and Evil, will perhaps trace it at last to the Fountain-Head, and find that the first Link of this Chain is fix'd to the Throne of GOD.

TRUE it is, that Temporal Punishments, whilst consider'd barely as Such, can never make a Man Sincerely Penitent; since to do Evil, and to be griev'd because We Suffer for it, are quite different Things from that *godly Sorrow which bringeth forth Repentance*. But, when these Punishments come to be more Narrowly look'd into; when the Sinner hath Leisure to Reflect, and is by Suffering put into a fit Temper for Con-

Consideration, He may be able, in the Punishments inflicted on Him by Men, to discern the Hand of GOD: Then His Calamities will appear to Him in Another View, as the terrible Effects of GOD's Displeasure, evident Signs of a Judgment to come, and a sure Earnest of those Wages, which Sinners shall receive in the Day of Retribution. Such Reasonings as these have frequently taken up the Last Thoughts, and melted the Hearts of Dying Criminals; and Charity prompts Us to think, that there are several Souls now in Paradise, who had never shar'd in the Merits of CHRIST's Death, had not Faith in His Blood, and Repentance from evil Works, been first wrought in them, upon Occasion of their Own Sufferings. Since, therefore, Humane Laws lay a Restraint on those Men, who acknowledge no Other: Since the Pains threatned to Sin by these Laws are oftentimes a Counter-Balance to the Pleasures which allure to it: Since Present and Sensible Evils work more strongly on the Generality of Men, than do Future and Spiritual: Since the Discipline of Laws doth prevent the Growth of Vice, and hinder it from becoming Epidemical: Since Temporal Punishments do fright Some from Offending, and are subservient to the Working of Repentance in Others; though Humane Laws are not, for the Reasons which have been alledged, sufficient of themselves to make Men Righteous, yet, under the Conduct of Religion, they may be expedient to hinder Men from being Profligately wicked.

FROM what hath been said, both of the Defects, and of the Expediency of Humane Laws,

we may be able to form a due Notion of them; so as neither, with the *Hobbist*, to think them the Sovereign Rule of Right and Wrong; nor with some wild Sectaries, to look upon them as Usurpations upon the Kingdom of CHRIST. Their Imperfection shews Us how absolutely necessary Religion is for the Support of Government; and the Usefulness of them plainly demonstrates, how great a Blessing Good Government is. It is necessary, that the Laws of GOD and Men should mutually support each other; that Religion should make up the natural and unavoidable Defects of all Humane Laws, and that Humane Laws should Enforce and Second the Precepts of Religion. No Attempts can be made upon Either of these, but must tend to the Ruine of Both: All Doctrines that favour Irreligion, sap the Foundations of Government: And all that aim at the Overthrow of Government, take away one main Support of Virtue and Religion.

HENCE may We be able to judge how much Morality is indebted to the *Socinians*, who pretend to be great Promoters of it, and yet rob it of all Assistance from the Civil Magistrate. They tell Us, that Courts of Judicature, in which wicked Men are condemn'd to Corporal Punishments, have no Place under the Gospel: That He who passes Sentence of Death on a Malefactor, is Himself a Murderer: That CHRIST only can punish equally, and therefore that CHRIST is the Only Judge: That GOD hath promis'd Forgiveness to all who at Any time repent; and that therefore None ought to be cut off by Capital Punishments, because these shorten

shorten the Time allotted by GOD to work our Repentance: That all Christians are bound to forgive each other, and that therefore no Magistrate can, without forfeiting his Title to Christianity, punish any One: That to say, a Magistrate, as Such, may Condemn what He is bound to Forgive as a Christian, is as absurd, as it would be to affirm, that a Man of Honour who is provok'd, Ought to forgive the Injury as a Christian, but may require the Satisfaction of a Gentleman. Why these Doctrines are not now-a-days spread in our Own Language with the same Industry, as some other peculiar Opinions of these great Reasoners are: Why those, who Daringly and Openly spread those Doctrines, which are injurious to the Honour of their Lord and Saviour, are more cautious in Venting these Tenets, which derogate from the Authority of Magistrates; it is not difficult to guess; and how far Such Principles may entitle the Maintainers of them to the Favour and Countenance of those, who are concern'd to Vindicate the Honour of Magistracy, will deserve Their Consideration. In the mean time, We cannot but think it possible, that those Men should mistake the Sense of some very plain Texts of Scripture, who deny all coercive Power to Magistrates, when St. Peter assures Us, that *they are sent by GOD for the Punishment of Evil-doers*; and St. Paul, *That they are the Ministers of GOD, and Revengers to execute Wrath upon them that do Evil.*

Now, if Magistrates are the Ministers of GOD, it is Our Duty to reverence them as Such, and it is Their Duty to act up to the Height

Height of that Character. Their Obligation to Govern well, needs not be represented in more Words, and cannot be urg'd in more forcible Terms, than those of Jehoshaphat to his Judges; *Take heed what Ye do, for Ye Judge not for Man, but for the LORD, who is with You in the Judgment. Wherefore now, let the Fear of the LORD be upon You, take heed and do it, for there is no Iniquity in the LORD Our GOD: There is no Iniquity with the LORD GOD, and therefore there Ought to be none with those, who represent Him, and of Whom He hath said, that they are GODS. And on the Other Side, the Obligation of Subjects cannot be built upon any Principles so binding, as those upon which it is laid by the Apostle, Whosoever resisteth the Power, resisteth the Ordinance of GOD; and they that resist, shall receive to themselves Damnation.*

LET US therefore be careful to pay all that Reverence to Humane Laws, which is due to them; and let US at the same time be Equally careful not to pay them such Deference, as may any Ways derogate from the greater Regard We Ow to the Laws of GOD: Let US look upon Humane Laws as One Part of that Rule, to which We Ought to conform Our Actions; but let US not esteem them the Adequate Rule and Perfect Measure of Righteousness: Let US submit to Every Ordinance of Man for the LORD'S Sake, and to Every Ordinance of GOD for its Own Sake: Let US consider what a deplorable Condition Mankind would be in without Laws, without Magistrates, without Government; but let US at the same time consider, how much more deplorable their Condition would be, if they

2 Chron.
xix. 6.

they were to live without the Gospel, without Religion, without GOD, in the World: Let Us not so Misinterpret any Places of Scripture, as to thrust the Civil Magistrate out of his Lawful Rights; but on the Other Side, let Us be cautious how We ascribe any such Perfections to Humane Laws, as tend to the dethroning GOD: Let Us not allow Ourselves in any Willful Transgression of Their Laws, who are appointed the Ministers of GOD to execute Wrath upon them that do Evil; but let Us remember that We are accountable for all Our Thoughts, Words, and Actions, to an Higher Judge; Let Us reverence the Authority of GOD delegated to Men; but let Us much more Adore it in GOD the Fountain: Let Us revere Power; but let Us much rather dread Omnipotence: Let Us fear *those who have Power to kill the Body*; but let Us much more *fear Him, who is able to destroy both Body and Soul in Hell*: Let Us be afraid to do Evil, in regard to the Magistrate, because He beareth not the Sword in Vain; but let Us much more be afraid to do Evil, out of Aw to GOD; for the LORD Our GOD is a consuming Fire, even a jealous GOD.

WE shall in All Points of Our Duty behave Ourselves as Good Subjects, and as Good Christians; We shall pay that Reverence We Ow to the Laws of Men, and to the Gospel of CHRIST; if We take care, in the First place, to approve Ourselves to GOD, and Then to provide Things honest in the Sight of Men: If We aim at that Perfect Righteousness for which the Law is not made, as well as Avoid those Exorbitant Crimes for which the Law is made: If in short, We, out
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of Conscience to God, comply with the Righteous Laws of Men, but in the mean Time make that Law alone the Rule of Our Lives, which will be the Rule by which We shall be judg'd at the General Assize; *when the LORD JESUS should be reveal'd from Heaven with His mighty Angels in flaming Fire, taking Vengeance on them that know not God, and that obey not the Gospel of Our LORD JESUS CHRIST.*



F I N I S.